



AMERICAN PETROLEUM INSTITUTE

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Via Electronic Filing

Roger Noel
Chief, Mobility Division, Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 17-79

Dear Mr. Noel:

The Telecommunications Subcommittee of the American Petroleum Institute ("API") submits this letter in support of both the NPRM and NOI to simplify, hasten, and/or streamline NEPA and other tower siting regulations that only serve to create added expense for little public benefit.

API is a national trade association representing more than 625 companies involved in all phases of the petroleum and natural gas industries, including exploration, production, refining, marketing and transportation of petroleum, petroleum products and natural gas. Among its many activities, API acts on behalf of its members before federal and state regulatory agencies. The API Telecommunications Subcommittee evaluates and develops responses to state and federal proposals affecting telecommunications facilities used in the oil and gas industries. API is supported and sustained by companies that make use of a wide variety of wireline, wireless and satellite communications services on both a private and commercial basis. All wireless services used by our membership require antenna support structures, most which are tower structures.

The oil and natural gas industry ("ONG") infrastructure is critical to this nation's success. As any critical industry, ONG members have holdings that have a need for reliable and significant data requirements. Many times these are located in remote areas where wired and cellular telecommunication services are either non-existent, or consumer based services cannot provide the needed capacity or reliability. Thus API members build a substantial amount of tower infrastructure to serve these systems, ranging from small 20-100 foot tall remote towers at well sites and small communications facilities, to 150-250 foot towers that serve as microwave hubs and private two-way voice and data service base stations.

API supports every effort within the NPRM and NOI to reduce the cost, complexity, and time delay associated with the development, replacement, and expansion of tower infrastructure. In providing this blanket support, we feel it can be enabled by implimenting a few simple suggestions. Therefore, we offer the following specific suggestions and guidance:

- 1) "Small Facilities" should be defined in terms of structures that are lower than 200 feet above ground level ("AGL") and do not require notification based on current obstruction standards of the Federal Aviation Administration (FAA). These Small Facilities should not be subject to current NEPA or NHPA regulations which are not under the scrutiny of local or state administrators through their permitting process, or mandatory FCC registration. This simplification would eliminate the vast majority of small cell and right-of-way issues.
- 2) Included in the definition of Small Facilities, should be fixed wireless terminal facilities that are lower than 200 feet above ground level ("AGL") and do not require notification based on current obstruction standards of the FAA. It is commonplace today to place low height (mostly under 50 feet) structures to hold an antenna that is beaming back to a cellular base station, Part 90 radio system, or other licensed link to provide for fixed connectivity. These are sometimes referred to as M2M, Control Point, or SCADA sites respectively. These sites transmit to the base station and receive signals from it, effectively extending the coverage area of a base station, especially in more rural areas. Under the letter of the rules, these structures that are no more obtrusive than a light pole, require substantial compliance. API feels this was never the intent of the rules and thus should be categorically excluded.
- 3) Local and State review of telecommunication sites should be deemed adequate for co-locations that do not elevate the highest appertenance height of as tower to greater than 200 feet AGL or high enough to require a new or updated FAA notification based on current obstruction standards. These sites should not be subject to arbitrary NEPA regulations which are not under the scrutiny of local or state administrators through their permitting process, or mandatory FCC registration. This simplification would eliminate the vast majority of co-location and pole attachment issues.
- 4) In addition, our members carefully engineer their structures to avoid exceeding height criterias, so that they minimize environmental compliance and the need for tower marking and/or lighting. Thus the Commission should also make it clear that voluntary FAA or FCC filing of a tower site when it is not technically required, shall not trigger added environmental or federal oversight, via NEPA, NHPA, or any other process
- 5) Structures over 200' and those that require notice to the FAA, should continue to follow the NEPA process (limited to between 60-90 days), but with the following simplifications:
 - A) The TCNS and SHPO notifications should be consolidated. Thus, State Historical Preservation Offices (SHPO) should provide all historical and cultural guidance for all non-federal land siting decisions, based on a process of no longer than 60 days, at a fixed cost set by the Commission.
 - B) As the provider of historical and cultural guidance, SHPO should engage any Tribal Nation/NHOs (collectively "Tribes") with bona-fide interest within their state to delineate what specific areas may be subject to further review. Entire states should not be the limit of this identification.
 - C) If a location for tower development falls within an area which requires further review by Tribes, the tower proponent shall be notified by SHPO that an additional 30 days will be required for a Tribes review. Any costs for a Tribes review will be paid from the fixed cost

paid SHPO.

- 6) API feels that the following structures should also be excluded from all NEPA and NHPA review, regardless of height:
 - A) Replacement towers that are no more than 20' taller and are within 500' in any direction of the tower from which they are replacing ("Incumbent"), provided that the Incumbent tower was certified by the NEPA/NHPA process or built before March 16, 2001.
 - B) New towers that are within 500' in any direction from an existing tower, provided that the new tower is no greater than 20 feet AGL higher than the existing tower and that the existing tower was certified by the NEPA/NHPA process.Please realize that local zoning regulations may limit or encourage tower proximity, which makes this exclusion only as powerful as a local jurisdiction wishes it to be
- 7) Local Moratoriums: Local moratoriums normally do not impact API members. However, they negatively impact the ability to promote commercially available wireless services. API feels that in absence of a blanket prohibition on moratoriums for tower development, any local, state, or federal moratorium on tower development shall not exceed 90 days, with at least 2-years in-between successive moratoriums
- 8) Twilight Towers: While there are few sites that fall into this category for our membership, API agrees with the Commission's suggestion that "Twilight Towers" be treated in the same manner as towers built prior to March 16, 2001. We believe, as does the Commission, that this simplification will put this very low impact issue to rest and allow the Commission to focus on more relevant issues.

In conclusion, API strongly supports simplifying the tower siting and tower approval process. Arduous NEPA and NHPA regulations and reviews do not need to be applied unilaterally, and should be reserved for only structures that have a greater potential for impact. This is clearly in the public interest as unlike 20 to 30 years ago, today nearly all Americans currently benefit both directly from wireless services, or indirectly benefit from companies such as API members, that use or build their own wireless services as an enabler. API members share the view that modern society needs to foster wireless connectivity and infrastructure as commonplace, without rules that unnecessarily demonize the placement of structures. We hope the Commission will consider these suggestions and timetables, and advise Congress as to any next steps that they deem necessary.

Sincerely,

